

## **REMARKS**

### **I. General**

The present Office Action (dated December 29, 2009) reopens prosecution and raises the following issues:

- The drawings are objected to;
- Claim 41 is rejected under 35 U.S.C. §112, second paragraph as being indefinite; and
- Claims 1-10, 20-30, 41-42, and 53-57 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,104,798 to Lickiss et al. (hereafter "*Lickiss*") in view of U.S. Patent Application Publication No. 2003/0050803 to Marchosky (hereafter "*Marchosky*") and further in view of U.S. Patent No. 6,772,141 to Pratt et al. (hereafter "*Pratt*").

Applicant respectfully submits this amendment with corrected drawings to address the drawing objections raised in the Office Action. This amendment is being submitted in accordance with 37 C.F.R. § 41.33(a), after the filing of a Notice of Appeal but before the filing of an Appeal Brief.

Regarding the rejections raised under 35 U.S.C. §112, second paragraph and 35 U.S.C. §103(a), Applicant has filed a new Notice of Appeal, and will be filing an Appeal Brief traversing those grounds of rejection. Applicant respectfully requests reconsideration and withdrawal of the drawing objections in light of the amendments presented herein.

## **II. Amendments**

### **To the Specification**

Paragraphs 0049 and 0050 are amended herein for consistency with FIGURE 6 by changing medical record “64” to medical record “62” in a couple of instances (since the medical record shown in FIGURE 6 for patient Timothy Smith is labeled 62 therein). No new matter is introduced by these amendments.

### **To the Drawings**

As discussed above, the attached replacement drawing sheets include changes to FIGURES 3 and 6. FIGURE 3 is revised to include a box around the boxes labeled 54 and 56, which is labeled “record organization system” consistent with FIGURE 2 (which is shown in FIGURE 2 as including blocks 54 and 56). Thus, no new matter is introduced by this amendment to FIGURE 3. This amended FIGURE 3 overcomes the objection raised in the Office Action for FIGURE 3, and therefore the objection should be withdrawn.

FIGURE 6 is revised to show in a different way that the medical record 62 for patient Timothy Smith 186 is generated responsive to the listing of patient Timothy Smith being selected on display 180. No new matter is introduced by this amendment to FIGURE 6, *see* paragraphs 0048-0050 of the specification. This amended FIGURE 6 overcomes the objection raised in the Office Action for FIGURE 6, and therefore the objection should be withdrawn.

### **Entry of Amendments**

The above amendments should be entered under 37 C.F.R. § 41.33(a) (“Amendments and affidavits or other evidence after appeal”), which provides that “[a]mendments filed after the date of filing an appeal pursuant to § 41.31(a)(1) through (a)(3) and prior to the date a brief is filed pursuant to § 41.37 may be admitted as provided in § 1.116 of this title.” 37 C.F.R. § 1.116 permits an amendment to “be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action.” The above amendments are made in response to

the objections raised in the previous Office Action, and therefore they should be entered in order to overcome the objections and place the application in better condition for allowance.

### **III. Rejections Under 35 U.S.C. §112, Second Paragraph and §103**

Regarding the rejections raised under 35 U.S.C. §112, second paragraph and 35 U.S.C. §103(a), Applicant has filed a new Notice of Appeal, and will be filing an Appeal Brief traversing those grounds of rejection.

### **IV. Conclusion**

In view of the above, applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if an additional fee is due, please charge our Deposit Account No. 50-3948, under Order No. 66729/P038US/10614714 from which the undersigned is authorized to draw.

Dated: January 14, 2010

Respectfully submitted,

By 

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